

**APPLICATION FOR VARIANCE  
MOORE COUNTY ZONING ORDINANCE**

Date of Application \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

Location of Property for which variance is requested \_\_\_\_\_

\_\_\_\_\_

Deed Book \_\_\_\_\_ Page Number \_\_\_\_\_ Tax Map, Lot, Block \_\_\_\_\_

Zoning District \_\_\_\_\_ Watershed Y/N                      Fee \$100

Is the property located within a designated Flood Plain Y/N

Additional Requirements:

1.        Attach a site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
2.        A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.

The courts have developed narrow rules for counties to follow in deciding whether or not to grant variances. Since the courts have developed these specific legal requirements, Moore County asks questions about your variance request in these same legal terms.

Before the Board of Adjustment may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based. The applicant is requested to address the following three factors:

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1. **That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.**

The courts have developed the following three rules to determine whether “practical difficulties or unnecessary hardships” exist.

- (a) If the applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable use of his or her property. (It is not sufficient that failure to grant the variance simply reduces the property value.)

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- (b) The hardship of which the applicant complains results from unique circumstances related to the applicant’s land. (Hardships suffered by the applicant in common with his or her neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the land.)

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- (c) The hardship is not the result of the applicant’s own actions.

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2. **That the variance is in harmony with the general purposes and intent of the Ordinance and preserves its spirit.**

Describe how the variance requested represents the least possible deviation from the letter of the Ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

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3. **That in granting the variance, the public safety and welfare have been assured and substantial justice has been done.**

Describe how the benefit to the public will be substantially outweighed by the harm suffered by the applicant, if the variance is denied.

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I certify that the information shown above is true and accurate.

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Owner/Attorney in Fact

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**OFFICIAL USE ONLY**

Date Received: \_\_\_\_\_

Received By \_\_\_\_\_

Date Referred to Board: \_\_\_\_\_

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Comments:

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